



\$ AR
1751
JW

PTO/SB/31 (04-05)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**NOTICE OF APPEAL FROM THE EXAMINER TO
THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Docket Number (Optional)

0468FV.44178

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] August 10, 2005

Signature Sharanda Mozart

Typed or printed name Sharanda Mozart

In re Application of

Mosier, et al.

Application Number
09/921,238

Filed
August 2, 2001

For Transesterification Composition of Fatty Acid Esters, and Uses Thereof

Art Unit
1751

Examiner
Hamlin, Derrick G.

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))

\$ _____

☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:

\$ 250

☒ A check in the amount of the fee is enclosed.

08/15/2005 SHASSEN1 00000004 09921238

☐ Payment by credit card. Form PTO-2038 is attached.

01 FC:2401

250.00 OP

☐ The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

☐ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. _____. I have enclosed a duplicate copy of this sheet.

☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒ attorney or agent of record. 41,267
Registration number _____

☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34. _____

Constance Gall Rhebergen
Signature

Constance Gall Rhebergen
Typed or printed name

(713) 221-3306 Direct

Telephone number

Aug 10 105
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of 2 forms are submitted.

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



CERTIFICATE OF MAILING
37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date of Deposit: Aug. 10, 2005 By: Sharanda Mozart
Sharanda Mozart

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF
Mosier, et al.

DOCKET NO. **0468FV.44178**

SERIAL NO.: **09/921,238**

EXAMINER: **Hamlin, Derrick G.**

FILED: **August 2, 2001**

GROUP ART UNIT: **1751**

**TITLE: Transesterification Composition of
Fatty Acid Esters, and Uses Thereof**

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the Final Office Action dated February 10, 2005 finally rejecting claims 2, 4, 5, 9, 11-13, 16, 19-25, 32-38, 40, 44 and 46-48 in the above-identified application. Enclosed is a check for the fee of \$250 (small entity).

Respectfully submitted,

Constance Gall Rhebergen
Reg. No. 41,267
Attorney for Applicants

Date: Aug 10 2005
BRACEWELL & GIULIANI LLP
P. O. Box 61389
Houston, Texas 77208 1389
Tel.: (713) 221-3306
Fax: (713) 222-3291
Constance.rhebergen@bracewellgiuliani.com



CERTIFICATE OF MAILING
37 C.F.R. § 1.8

I hereby certify that these documents are being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: MAIL STOP AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

Date of Deposit: Aug. 10, 2005

By: Sharanda Mozart
Sharanda Mozart

Documents included with this certificate of mailing include the following:

- Postcard;
- Check for \$250 (for Notice of Appeal);
- Notice of Appeal from the Examiner to the Board of Patent Appeals and Interferences (PTO/SB/31 and document);
- Pre-Appeal Brief Request for Review;
- Request for Extension of Time (**if required**); and
- Change of Correspondence Address (Application).